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Belgium and Counterterrorism Policy in the Jihadi Era (1986-2007)

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Summary

This working paper explores how Belgium reacted to the growth of this new form of terrorism from its early signs in the 1980s until today. Next, it analyses the measures taken by the Belgian law enforcement apparatus since 9/11. Finally, it assesses Belgian specificities in combating jihadi terrorism.

Introduction

Belgium is not a significant safe haven for terrorist groups, according to the 2006 edition of the *Country Reports on Terrorism*, released by the U.S. State Department in April 2007. Belgium is only a piece in a global puzzle of terrorism, including its jihadi variant that gained worldwide prominence with the 9/11 attacks.

In the 1970s and the beginning of the 1980s, Belgium bore its share of the burden of terrorism, as did some of its neighbours. The *Cellules Communistes Combattantes* were the Belgian branch of a Europe-wide movement of anti-capitalist terrorism that caused widespread anxiety in public opinion. In the mid-1980s, much earlier than most of its neighbours (with the exception of France) Belgium then encountered a new variety of terrorists, religiously inspired groups, linked with the Shia regime in Teheran. Subsequently in the mid-1990s Belgian authorities discovered support cells of the Algerian radical Islamist movement GIA on its soil. These were the beginnings of Belgium's encounter with jihadi terrorism.

Jihadi terrorism went through different mutations. It started as an 'Islamist-nationalist' movement in the 1980s and the beginning of the 1990s. It then acquired a global character, with al-Qaeda as the vanguard organisation of international jihadi terrorism. As a result of international and national efforts the organisation started to atomize and gave way to a decentralized, largely home-grown patchwork of jihadi groups, linked by ideology and opportunistic links.

This working paper¹ explores how Belgium reacted to the growth of this new form of terrorism from its early signs in the 1980s until today. Next, it analyses the measures taken by the Belgian law enforcement apparatus since 9/11. Finally, it assesses Belgian specificities in combating jihadi terrorism.

A Historical Overview

The Belgian police started to investigate the field of political Islam in the mid-1980s, after a series of terrorist attacks in Paris in 1986, committed by the 'Fouad Ali Saleh' network, related to the Iranian regime. Up until that moment only the civilian intelligence agency, the State Security Service, had been studying the issue, in particular the Muslim Brotherhood. The emergence of this new form of terrorism, linked to religion, led to the establishment of a specific entity entirely dedicated to radical Islamism, within the existing Anti-Terrorist Unit of the Gendarmerie. At that time, the investigators only had a very rough and superficial understanding of the new phenomenon,

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1 This Egmont Paper is simultaneously published in: Fernando Reinares, *¿Estamos más Seguros? Democracias Occidentales y Terrorismo Global* (Are we Safer? Western Democracies and Global Terrorism). Madrid, RIE/Ariel, 2007.

since they had been focusing on the anti-capitalist terrorist threat with which Belgium was confronted in the early 1980s. As we will see below, for the Belgian police and law enforcement community a 'real learning process' started.²

Belgian authorities soon realised how complex the issue was. In the 1970s, Turkish and Moroccan communities in Belgium had gone through a profound identity crisis due to the declining economic fortunes of the first wave of immigrants from these countries. This manifested itself in a religious revival, particularly under the influence of an orthodox dawa-strand of Islam, Jamâ'at al-Tabligh. In the 1980s, a more political expression gained traction within these communities under the influence of members of the Muslim Brotherhood who had fled repression in Egypt and Syria.

Simultaneously, when the former Soviet Union invaded Afghanistan in 1979 a solidarity movement among Muslims worldwide developed. From Belgium too, individuals joined the resistance against the Soviet occupation, sometimes by their own means, sometimes facilitated by nascent networks, such as the Mekhtab Al-Khidemat Al-Mujahideen ('The Office of Services for the Mujahideen'), created by Osama bin Laden and Abdullah Azzam in 1982.

In the early 1990s, France and Belgium were among the first European countries to be confronted with the aftermath of the Afghan war through its consequences in Algeria. In 1992 the Algerian Islamic Salvation Front (FIS) failed to conquer power via the ballot box. The cancellation of the electoral process by the Algerian military in January 1992 led to the advent of 'islamo-nationalist' activism by the Armed Islamic Group (GIA), with Algerian veterans from the Afghan jihad playing a prominent role. This terrorist organisation conducted an increasingly violent campaign against civilians and officials, massacring hundreds of thousands of Algerians.

Belgian police soon discovered that the Algerian GIA had established cells for propaganda and fund-raising activities in Belgium too. In 1995 the first concrete result of the joint police and intelligence cooperation was the dismantlement of the Zaoui network, a terrorist network linked to the bombing campaign in France that was to follow soon after, in the summer of 1995. In March already the Belgian authorities had thus arrested a dozen GIA members, including the former Algerian FIS-leader Ahmed Zaoui and the Tunisian Tarek ben Habib Maaroufi. The network was created with the aim of providing logistical support to GIA's armed activities in Algeria, but was nevertheless also clearly linked to the broader Afghan veterans' diaspora, since members of the Zaoui-network had been travelling to the Afghan-Pakistan border. More significantly, Belgian investigators discovered the first ever jihadi manual, 8,000 pages long, produced by the aforementioned Mekhtab Al-Khidemat and dedicated to Osama bin Laden. Zaoui and Maaroufi were sentenced to respectively five and three years in prison (for Maaroufi with a conditional suspension of sentence).

Two years later, this 'Islamist-nationalist' phase of the early jihadi networks had moved into a definitely globalising phase, linked to what was to become al-Qaeda. The failure of national attempts to install Islamist regimes in Algeria, Egypt and Syria furthered the development of a mythical global Ummah as a rallying cry for Islamists worldwide. Afghanistan became the hub of jihadi terrorists. In March 1998, a second jihadi network was dismantled in Belgium (operation 'Lock'). Dubbed the Mellouk-network, the arrest of Farid Mellouk and several other jihadis was made possible thanks to simultaneous indications from the Belgian, British and Italian intelligence services. It indicated how multinational jihadi terrorism had now become. Involving terrorists from numerous countries in the Middle East, it was also linked with the Taliban in Afghanistan. Many of the terrorists involved had sojourned in training camps in Afghanistan, including in camps run by al-Qaeda.

² The historical overview draws heavily on to the tremendous work of Superintendent Alain Grignard, in particular his latest essay 'The Islamist Networks in Belgium: Between Nationalism and Globalisation', in Rik Coolsaet (ed.), *Jihadi Terrorism and the Radicalisation Challenge in Europe*, Aldershot, Ashgate, 2007.

During the police raid another important jihadi document was recovered. It was a pamphlet of some 60 pages representing what might be called the 'birth certificate' of the Moroccan Groupe islamique combattant marocain (GICM), a group based along the model of the GIA. Farid Mellouk was convicted to nine years in Belgium.

Increasingly, the Afghanistan scene became the primary motive of international jihadi networking. On 9 September 2001, Ahmad Shah Massoud, leader of the anti-Taliban rebellion in Afghanistan, nicknamed 'lion of the Panjshir', was killed by two suicide bombers. The attackers, who died in the attack, were Abdesattar Dahmane and Baraoui El Ouaer, two Tunisians illegally living in Belgium. But the real organisers of the network were Omar Sliti and the aforementioned Maaroufi. They were all members of the Tunisian Combat Group, a Tunisian jihadi group that acted as a logistical network connected to the Pakistani-Afghani zone, but also to Northern Iraq (Ansar al-Islam). The network was completely dismantled in November 2001 (operation 'Mezze') and Maaroufi arrested for the second time in December 2001 (operation 'Goal').

Two days after the September 11 attacks, Nizar Trabelsi was arrested in Brussels for involvement in an alleged suicide attack against the NATO air force base at Kleine Brogel – or the American embassy in Paris (operation 'Wawa'). Trabelsi was a former professional football player from Tunisian origin. His football career had not been very successful. He became a cocaine addict and got involved in petty crime, went to prison and was radicalised while in prison through the activities of the Takfir wal-Hijra movement. He went to Afghanistan, met Osama bin Laden and came back to Belgium, tasked by bin Laden with setting up a jihadi network.

Trabelsi was linked to Maaroufi, but also to Djamel Beghal, who allegedly planned the Paris embassy plot and recruited people for al-Qaeda,³ and to Richard Reid, the 'shoe bomber', who attempted to detonate a bomb on American Airlines flight 63 between Paris and Miami on 22 December 2001. Maaroufi and Trabelsi were both sentenced in 2003, respectively to six (later to be increased to seven) and ten years in prison. Other members of the network were convicted with sentences ranging from two to five years in jail.

The 1998-2001 period represented the apex of al-Qaeda-dominated international jihadi terrorism. Cells all over Europe, including in Belgium, were acting directly under the direction and supervision of al-Qaeda and its two mentors, Osama bin Laden and Ayman al Zawahiri. But the military campaign in Afghanistan that followed the September 11 attacks and the ensuing international counterterrorist cooperation broke the backbone of the once disciplined and hierarchical network, which had operated under a strong central leadership that controlled almost all aspects of its operations. The network started to atomise. Some Afghan veterans were able to escape through Turkey and Syria and settled in Europe (the so-called 'exfiltration of Afghan fighters'). Once in Europe they launched their local jihad on European soil, creating and maintaining sleeper cells, assisting other cells if needed, recruiting, preparing or committing terror plots in their host country. But local dynamics became increasingly important, boosting apparently autonomous or independent cells not affiliated, supervised or backed, but only inspired by the potent al-Qaeda mythology.

The so-called 'Maaseik network', which was dismantled in 2004, offers a good example of these post-Afghan networks. A group of militants, structured around Afghan veterans, was discovered living in Maaseik, a small town a few miles from the Dutch and German borders. The network formed a mix of foreigners and locals, Moroccans and Belgians of Moroccan descent. Some had

³ Beghal was arrested at Dubai International Airport in July 2001 and was extradited to France in September 2001. In 2005 he was sentenced to ten years in prison.

been trained in Afghanistan, while others were recruited in Belgium. They were linked to the loosely knit GICM, the same group that had first appeared in Belgium in 1998. In 2004, Belgian police launched a series of raids throughout the country (operation 'Asparagus', after the vegetable grown in the region), dismantling the sophisticated network, which in one way or another may have been linked to the Casablanca and the Madrid bombers. The militants were also suspected of trying to recruit fighters for the insurgency in Iraq. Although they did not plan a terrorist attack on Belgian soil, they formed a well organised logistical support cell, providing for false papers, hideouts, etc. This trial was the first to be based upon the new 2003 counterterrorism law criminalizing terrorist acts and membership of terrorist groups. Three of the thirteen defendants were sentenced to a prison term of six to eight years and six received three to five years.

Parallel to this Afghan-linked jihadi movement, counterterrorism experts in the police and the State Security Service had also been noticing a growing radicalisation process amongst deprived youngsters in immigrant communities, especially from North-African descent. This process that had started in the 1990s was likely to increase in the years to come, an internal police report in 2001 forecasted.

If and how this homegrown radicalisation process was going to plug in into the larger jihadi cause was a main worry for Belgian investigators. In the run-up to the 2003 Iraq war, the State Security Service had therefore warned about potential consequences for Belgium. The war and its aftermath indeed enhanced the radicalisation process, as police officers in the field witnessed. By adding a new layer of frustration within Muslim communities worldwide, it also pushed jihadi terrorism into a new dimension, which was part of the ongoing atomisation of the old al-Qaeda network: a bottom-up terrorist dynamic by self-radicalising groups and individuals, no longer directed by al-Qaeda but inspired by its ideology. Self-recruitment in Europe now appears to have become at least as important a source of jihadi recruitment as semi-organised international networking. These home-grown terrorists – sometimes small groups of friends, sometimes 'lone wolfs' – can prove to be as dangerous as any known group, if not more so, because they operate under the radar screen. A number of more or less spontaneous networks thus emerged, often based on kinship, conveying militants to Iraq.

The most well-known case in Belgium is the Muriel Degauque-network (2006), named after a Belgian woman that carried out a suicide attack against an American military patrol in Iraq on 9 November 2005. The network was linked to the now deceased jihadi leader al-Zarqawi and had been under investigation for more than four months. The suicide attack prompted the authorities to speed up the investigation. Three weeks later the homes of different cell members were raided in Brussels, Charleroi, Tongeren, and Antwerp. Some fifteen persons were arrested. Their trial is due to begin at the end of 2007.

Glenn Audenaert, the leading Belgian police official in charge of counterterrorism, once described jihadi terrorism as 'patchwork of self-radicalising local groups with international contacts, but without any central engine and any central organisational design'. Today's jihadi terrorism is thus not very dissimilar from the anti-capitalist terrorist groups in Europe in the 1970s and 1980s – or from modern-day criminal networks for that matter, alternately cooperating and acting autonomously, depending upon the circumstances. The Belgian counterterrorism community now largely subscribes to this assessment. They view jihadi terrorism basically as a cloak patched together from different sources of local discontent, real and perceived, with a puritanical and radical interpretation of Islam providing the stitches and thriving on an enabling global momentum.

Enhanced Counterterrorism Capabilities

From this bird's-eye view of the Belgian experience with jihadi terrorism, from its early start in the mid-1980s until today, one can distinguish three interrelated characteristics that form the essence of the Belgian approach towards jihadi terrorism: empathy, the search for root causes, and a concern of not encroaching on fundamental rights.

Before going into these core elements of the Belgian counterterrorism philosophy, we survey the state apparatus' reaction to the jihadi threat.

Belgium's EU Presidency on 9/11

Like all EU member states, Belgium swiftly condemned the attacks on September 11. A day later, Prime Minister Guy Verhofstadt publicly repeated this before the European Parliament. Moreover, holding the rotating six-month EU presidency at the time of the attacks, Belgium offered the EU to become the privileged and principal channel for trans-Atlantic cooperation on counterterrorism – in line with its long-held policy of strengthening the EU's global role on the world scene.

Holding the EU Presidency, Belgium thus immediately convened a meeting of the EU Heads of State and Government together with their Ministers of Foreign Affairs. This extraordinary European Council, which gathered on 21 September 2001, i.e. only ten days after the tragic events in New York, formally decided to step up EU action against terrorism, through a coordinated and interdisciplinary approach, embracing all Union policies. To that end, it adopted a Plan of Action along five axes: strengthening police and judicial cooperation, developing international legal instruments, combating the financing of terrorism, strengthening air security and coordinating the EU's global action. With regard to the first of these axes the EU, still under Belgian presidency, saw its police and judiciary cooperation enhanced. Crucially important among the measures taken were the elaboration of a common definition of terrorist offences and the adoption of the European Arrest Warrant, facilitating intra-EU cooperation on terrorism and the prosecution of suspected terrorists. However, a Belgian proposal to create a European Intelligence Unit was not approved. Nevertheless the Belgian State Security Service obtained a consensus among its European intelligence colleagues to create a Counter-Terrorism Group.

With this Action Plan and its accompanying measures, Belgium thus laid down the basic principles upon which the succeeding EU Presidencies were going to build to further develop the EU policy against terrorism. These benchmarks can be broadly summarized as follows: the fight against terrorism requires a comprehensive approach by the international community, comprising legal, political, economic, diplomatic and military means, fully respecting the rule of law and in accordance with respective domestic laws, duly taking into account underlying factors (or 'root causes') without acknowledging these as justifications for terrorist activities. This comprehensive approach implies also the need for enhancing dialogue and broadening the understanding among cultures and civilizations. The EU rejects as a principle any attempt to stereotype terrorism or associate it with any religion, race, nationality or ethnic group. Finally, the EU recognizes the central role of the UN in establishing standards for combating terrorism and providing a forum for coordinated action.

State Adaptation to the Jihadi Threat

Preparedness to and the physical prevention of terrorist attacks are the obvious first level of any counterterrorism strategy. As in all European countries, in Belgium too the capabilities for dealing with terrorism have been significantly enhanced since 9/11. Budgets and personnel have been increased. Legal provisions have been streamlined along the European framework decisions and the relevant UN resolutions with their implementing European instruments. Investigative procedures have been enhanced. Bilateral agreements, including with the United States, have been concluded.

In Belgium, terrorism has traditionally been chiefly the responsibility of the intelligence service, but with an increasing involvement of other actors. After 9/11, all services involved were strengthened. Next to the intelligence service, the central players of the Belgian counterterrorism apparatus became: the federal prosecutor (whose office was created in May 2002), assisted by the terrorism unit in Brussels (PJF/OA3) and the 'terrorism and sects' unit within the judicial police (DGJ/DJP). The federal police works in close cooperation with the two intelligence services, the (civilian) State Security Service, supervised by the Minister of Justice, and the (military) General Intelligence and Security Service, supervised by the Minister of Defence. On the ground the collaboration between the federal police and the civilian intelligence service has always been excellent and since 2003 it is so on all levels. Even if operational difficulties remain, the cooperation with military intelligence has also been improved and was sealed by a formal agreement in November 2004. In 2005, the relations between the federal prosecutor, the police and the intelligence community were further streamlined and the division of counterterrorism tasks was fine-tuned, under the stewardship of the federal prosecutor.

The civilian intelligence service personnel have been increased by twenty percent and its budget nearly doubled since 2003. The terrorism unit's personnel at the police have been tripled since 2001. Moreover, several magistrates and 13 investigative judges – Belgian 'Balthazar Garzons' – who conduct investigations related to counterterrorism, were appointed. This was the consequence of a significant rise in terrorism-related investigations in 2006, with 106 new files compared to 89 in 2005. The number of judicial investigations also went up: from 14 in 2005 to 26 in 2006. Each investigation is overseen by the specialised investigative judges.

After 9/11, Belgium also started to add legislative and judicial tools to its existing means to combat terrorism. In January 2003, Minister of Justice Marc Verwilghen submitted a Governmental Act to Parliament that would henceforth regulate by law the 'special investigation methods' enhancing police capabilities for search and surveillance (wiretapping, infiltration measures, resort to informers, special observation measures). As will be described underneath, this Act was partly annulled by the Court of Arbitration (Constitutional Court), re-submitted in October 2005 and finally adopted in December 2005. Belgian police forces now dispose of a particularly advanced legal system in the field of pro-active work. Specific to the Belgian approach is the permanent control of the application of the special investigation measures by the judicial branch. However, a bill containing the same possibilities for the two intelligence services is still pending in Parliament. A main issue that will have to be settled before this bill can be adopted, is the question whether the actual jihadi (and general terrorist) threat warrants such infringement upon existing procedures and principles.

Belgian anti-terrorism legislation was adopted on 19 December 2003 (Articles 137 to 141ter of the Criminal Code)⁴ implementing the EU's Framework Decision of June 2002 on combating terrorism and the European Arrest Warrant. The law criminalizes a terrorist act and association with terrorists and imposes a prison sentence of up to twenty years and in certain cases life sentence (when related to NBCR).

To better coordinate the information of the different branches and agencies involved in terrorism-related issues a new 'nerve centre' has been created by law in 2006: OCAM (*Organe de Coordination et d'Analyse de la Menace*), under the joint authority of the Ministers of Justice and the Interior. In July 2001 already the idea to create an enhanced inter-services counterterrorism

⁴ Up to 2003 terrorism was not as such included as a misdemeanour in the Belgian penal code. Sentences were obtained based upon peripheral offences of common law. The Act has been challenged before the Court of Arbitration (Constitutional Court), which however dismissed the appeal on 13 July 2005.

entity had been floated by Antoine Duquesne, Minister of the Interior, but its implementation was speeded up by the 9/11 attacks.⁵

Its main task is to centralize and coordinate the information flows not only between the different law enforcement services, but also Foreign Affairs, the Treasury, Customs and the Interior. Moreover, OCAM conducts a general analysis and evaluation of the threat. The first head of OCAM is Jean-Claude Delepière, a magistrate and former head of the Senate's Committee for the control of the intelligence services (1999-2006). His Deputy is Luc Verheyden, the former head of the GIA (*Groupe Interforces Anti-terroriste*), who thus ensures the consistency with the earlier Belgian counterterrorism efforts. OCAM indeed replaces the former GIA that was created in the beginning of the 1980s in the wake of the Palestinian terrorist attacks in France (against the Goldenberg restaurant and a bookshop in de Rue des Rosiers in Paris) and the anti-capitalist terrorist attacks in Belgium of the early 1980s. Contrary to the former GIA, where the inter-service cooperation was voluntary, services and departments are now obliged to share their information within OCAM, lest they be prosecuted under criminal law.

The Ministry of Foreign Affairs too has increased its involvement in counterterrorism. In 2005 an Anti-Terrorism unit was created within the MFA. It was tasked with the coordination of the information from its embassies abroad for use by OCAM and other relevant authorities in Belgium.

Furthermore, since 1991 the two intelligence services and now also OCAM are submitted to outside inspection by the aforementioned Committee I.⁶ The watchdog for Belgium's intelligence services works under the direction of the Belgian Senate. The control concerns the internal rules and guidelines and all the documents related to the behaviour of its employees, methods and activities.⁷ According to the latest report of the Committee I, published in April 2007, the intelligence services are operating more effectively than before, possess a good theoretical knowledge of radical Islamism (and jihadism), but need more means and staff to effectively deal with terrorist threats.

Beyond the federal police and the intelligence services, the government can also count on the help of the Governmental Coordination and Crisis Centre, created in April 1988, with Koen Dassen as its first head. The Centre assists the authorities in the planning and interdepartmental management of large-scale crises (such as terrorist attacks and emergencies of all sorts) on Belgian soil.⁸ The centre is also an important partner for the private sector in protecting the economy and vital infrastructure against terrorist attacks. This collaboration resulted among others in an early-warning system and the publication of a brochure, *Terrorism and extremism: What measures can firms take?*⁹ The centre works 24 hours a day, seven days a week and in case of a crisis coordinates the national level and supports the local and regional authorities. OCAM, evaluating the threat on a daily basis, is of course a very important partner of the crisis centre.

In line with the UN, the EU and, especially, the Financial Action Task Force (FATF) rulings, Belgium has increased its efforts to detect and block the financing of terrorism as well, albeit this aspect is considered to be of lesser importance in the overall effort, since the sums involved in

⁵ *La politique de sécurité après les attentats terroristes aux États-Unis d'Amérique*. Rapport fait au nom de la Commission de l'Intérieur et des Affaires administratives. Sénat, 2-924/1, 16 October 2001.

⁶ This Committee I (officially named Permanent Committee for the Control on the Intelligence Services) comprises a three member panel, appointed for five years and with a magistrate as its president, plus a clerk, an administrative cell and an investigation team. Every year the Committee writes a report on the activities of the intelligence services and makes suggestions to improve the functioning of the services.

⁷ Jean-Claude Delepière, 'Le comité permanent de contrôle des services de renseignement', in : *La Sûreté. Essais sur les 175 ans de la Sûreté de l'Etat*. Brussels, Politeia, 2005, p. 225.

⁸ Belgium has a four-phase alert system: phases one and two are at the local level, phase three is a provincial plan and phase four refers to a national alert.

⁹ *Rapport d'activités 2005*. Brussels, Interior Ministry, Direction générale Politique de Sécurité et de Prévention, 2006, p. 51.

recent terrorist attacks are of modest proportion. Based on the anti-money-laundering law of 1993 and enforced by the Belgian Financial Intelligence Processing Unit, the financial dimension of counterterrorism falls under the joint supervision of the Ministers of Justice and Finance. This unit collects and analyzes financial data about possible terrorist links. The Treasury is responsible for freezing assets belonging to suspected terrorists. As a result, assets of certain persons and entities associated with Osama bin Laden, the al-Qaeda network and the Taliban have been frozen these past years. Most of the suspected transactions however have been cleared from terrorism links.

Furthermore, Belgian authorities have also enhanced their anti-terrorist cooperation with the U.S. on multiple levels, either bilaterally, or as a member state of the European Union. Bilaterally, Belgian authorities have joined several American initiatives. For instance, in June 2002, the port of Antwerp joined the Department of Homeland Security's Container Security Initiative, that aims at ensuring that maritime cargo containers posing a terrorism risk are identified and examined at foreign ports before they are shipped to the United States. Zeebrugge followed in 2004. U.S. Customs agents with their Belgian counterparts screen containers to be loaded on vessels bound for the United States.

Finally, Belgium also contributes in military terms to the International Security Assistance Force (ISAF) in Afghanistan, with a troop presence of some 400 and 4 F-16's in 2007.

Which Specificity in Belgian Counterterrorism Philosophy?¹⁰

The set-up of Belgium's counterterrorism apparatus is basically similar to that of its European neighbours. The law enforcement paradigm that dominates the Belgian counterterrorism approach is also in line with Europe's traditional attitude of tackling terrorism first and foremost through law enforcement techniques. Finally, Belgium's refusal to describe jihadi terrorism in terms of an epochal struggle or to view it as the defining element of the 21st century is shared by most European countries as well, especially those who have experienced terrorism in their recent past.

Nevertheless, some aspects of its counterterrorism approach and thinking set Belgium somewhat apart. We refer in particular to the three aforementioned characteristics: empathy, the search for root causes, and the acute concern for respecting fundamental rights.

Empathy

Alain Grignard, the leading expert on Islamist and jihadi terrorist groups within the Belgian police, describes the 1985-1992 period as 'a real learning process for the Belgian police forces'.¹¹ One of the main results of this early experience with this new variety of terrorism was the clearly felt necessity to fully grasp what drove its militants. One of the critical factors contributing to its success against jihadi terrorism, according to Grignard, is 'the empathy one has to entertain with the subject at hand. This is a characteristic sensibility of some European countries, including Belgium. This empathy has to start with real knowledge of the "other", first empirically, then scientifically, and has to be build upon the units' contacts in the field. The approach has to be based on neurons, not hormones. Herein probably resides the real Belgian specificity when dealing with jihadi terrorism.'¹²

As mentioned earlier, in the mid-1980s a specific entity entirely dedicated to radical Islamism was established within the existing Anti-Terrorism Unit of the police (then called the 'Gendarmerie'). Police officers indeed realised the urgent need to understand the dynamics behind this new

¹⁰ The findings in the ensuing paragraphs are in part based upon the results of a four year terrorism research project at Ghent University, subsidized by the Fund for Scientific Research-Flanders.

¹¹ Grignard, note 1.

¹² Alain Grignard, 'L'islamisme radical en Belgique, entre nationalisme et globalisation: une vision policière', in: *Studia Diplomatica*, VX, 2007, Supplement 1.

expression of terrorism. Police officers enrolled in the university to study the Arabic language, Islamic/Arabic civilisation, and Islam, in order to get a grip on the issue. Contacts were established in the field and a close collaboration was forged with the units of the intelligence service, as well as with the local police. We got our education in the streets, as well as in academia, Grignard once quipped.

From these early endeavours police and intelligence officers understood that the danger did not reside with the Muslim communities as such, but on the contrary that cooperation with them would be of crucial value in overcoming the common challenge posed by fringe groups at the margins of these communities, exploiting widely felt feelings of marginalisation in their midst.¹³ It ensued that often great care was given to using non-stigmatising language, both by political authorities and by the law enforcement community. This was all the more needed, since an extreme-right political party in the Dutch-speaking northern part of the country had been gaining strong electoral backing by capitalising on anti-migrant and anti-Muslim sentiments, thus enhancing an atmosphere charged with polarising rhetoric. Marino Keulen, the Flemish Minister in charge of integration, has warned too for the dwindling patience in immigrant communities and society alike.¹⁴

Along the same lines, Koen Dassen, former head of the intelligence service, has always emphasised that already from the 1970s onwards Belgian governments had tried to make their citizens from Arab descent aware that the Belgian polity nourished no anti-Muslim or anti-Arab bias. The presence of communities with a Muslim background was indeed seen as an irreversible development that one had to acknowledge.¹⁵ As a result, Islam had become one of six religions officially recognized by the state, thus enjoying the same institutionalized rights as any other recognized religion, including the right to state subsidies, the right to religious instruction in public schools, the right to receive remuneration for the salaries of the clergy, the right to provide chaplains in prisons, hospitals and asylum reception centers and the right to broadcasting time on public TV and radio. In this process, the way Islam teaching has been organized in Belgium is seen as a model by Muslim communities in other EU countries.¹⁶

Addressing the Root Causes

The expertise gained through the early confrontation with Islamist radicals would soon prove to be of tremendous value when jihadi terrorism gained traction. Very early on already, police and intelligence officers had become aware that religion was not of the essence. Frustration was, they rapidly realized, combined with an identity quest. Herein lays the second Belgian counterterrorism characteristic: the need to understand and address its 'root causes'.

Frustration, according to Superintendent Grignard, is the main reason why Muslims radicalise into extremists.¹⁷ He has been a constant voice warning that one should avoid reinforcing the process of exclusion. In this, he is not a lonely voice within the law enforcement apparatus. His superior, Glenn Audenaert, and Koen Dassen, as head of the State Security Service, have all been conveying the same message. Within the counterterrorism community, the vicious circle of frustration and deprivation is largely seen as the main engine of radicalisation in Belgium.¹⁸

Jihadi terrorism surfs on waves of bitterness, frustration and humiliation, according to Audenaert. 'These are the real "ground causes". [...] They have nothing to do with religion, save for serving as

¹³ Glenn Audenaert, in: *Knack*, 6 September 2007.

¹⁴ Marino Keulen, in: *De Morgen*, 23 October 2004.

¹⁵ Koen Dassen, in: *Le Monde*, 10 August 2004.

¹⁶ *Intolerance and discrimination against Muslims in the EU. Developments since September 11*. Vienna, International Helsinki Federation for Human Rights, March 2005, pp. 23 and 39-48.

¹⁷ Alain Grignard, in: *De Tijd*, 2 December 2005.

¹⁸ For Koen Dassen, see note 14. Glenn Audenaert, in: *Humo*, 23 March 2004.

a lever to manipulate vulnerable people.’¹⁹ Police and intelligence officers have clearly been aware that already in the 1990s radicalisation was increasing among deprived youngsters from Arab origin – a sentiment in which their family’s Muslim background, their ethnic origin and their relative lack of opportunities formed a fertile combination for recruitment and – as it has appeared unmistakably since 2004 – self-radicalisation. In their city districts, police officers are feeling the impact of international events – such as the Iraq war, the Israeli-Palestinian conflict, or even the 2006 Lebanon war – and notice how young people are drawn to jihadi theatres of war around the globe.

As for individuals having a job still is the major vehicle for socialisation, the relative scarcity and especially the higher skills that are now required compared to post-war migratory waves, puts up higher barriers for today’s youngsters in immigrant communities. In parts of the immigrant communities, despair and discouragement nowadays prevail with regard to youngsters’ chances of overcoming this situation in the foreseeable future. There are indeed indications that, contrary to earlier migratory histories where the third generation in a sense ‘concluded’ the integration itinerary that their grandparents initiated, today’s grandchildren of immigrants dispose of less qualifications and language skills than their parents, the immigrants’ children.

The attitude of the law enforcement apparatus is in line with the attitude of the Belgian government. Laurette Onkelinx, the Minister of Justice, declared during a May 2004 Parliamentary debate that the antiterrorism law enforcement forces would receive reinforcement to allow, among others, to profile and analyse the motives and reasons that form the ‘grass roots’ of terrorist recruitment.

‘Root causes’ and more in particular the issue of radicalisation thus quite naturally became one of the major research topics for Egmont – The Royal Institute for International Relations, when at the end of 2002 it was tasked by the Ministry of Foreign Affairs to closely monitor the issue of international terrorism. At the request of the Ministry and the Irish EU presidency, the Institute in 2003 organised the first ever meeting of EU experts of the second (foreign and security policy) and third (justice and home affairs) pillar, together with representatives of intelligence services of the member states. The Irish presidency and the ensuing Dutch presidency took advantage of the results of this meeting. In 2004 two reports were produced by the terrorism working groups from the second and third pillar. These reports in turn influenced the development of the European strategy against radicalisation and recruitment, adopted in 2005.²⁰

This specific emphasis on root causes has always been part and parcel of Belgium’s participation in EU counterterrorism endeavours. Within the EU, Belgian diplomats and officials have continuously stressed the need to incorporate this dimension within the core of European counterterrorism efforts. As written earlier, the EU Action Plan of September 2001, adopted under the Belgian Presidency, already foresaw a set of accompanying measures in the fight against terrorism, through preventing and stabilising regional conflicts, by engaging in an in-depth political dialogue with countries and regions in which terrorism might arise, by pursuing the integration of all countries into a fair world system of security, prosperity and improved development, by combating any nationalist, racist and xenophobic drift and by strongly rejecting any equation of terrorism with the Arab and Muslim world.

In the same spirit, after the 2004 Madrid attacks Belgian diplomats and officials insisted on including an objective addressing the factors which contribute to support for and recruitment into terrorism within the ‘EU strategic objectives to combat terrorism’, annexed to the Declaration on combating terrorism and adopted by the European Council under the Irish Presidency in March 2004. This objective included the need to continue to investigate the links between extreme religious or political beliefs, as well as socio-economic and other factors, and support for terrorism, with the aim of identifying appropriate policy responses.

¹⁹ Glenn Audenaert, Patrick Stevens, in: *Knack*, 3 August 2005.

²⁰ Paul Rietjens, ‘België, de EU en het jihadi-terrorisme’, in: *Studia Diplomatica*, VX, 2007, Supplement 1.

Later on, Belgian diplomats were also adamant to make sure that tackling the factors or root causes which can lead to radicalisation and recruitment, in Europe and internationally – as a first objective to prevent people from turning to terrorism – was clearly included in the EU's Counter-Terrorism Strategy, which has been elaborated by the British Presidency after the 2005 London attacks. The Strategy was adopted by the European Council in December of that year.

The EU Strategy is based on four pillars: Prevent, Protect, Pursue and Respond. The first pillar, 'Prevent', is to be understood as 'stemming the radicalisation process by tackling the root causes which can lead to radicalisation and recruitment'. In its first draft however, the EU Strategy identified 'Pursue' ('chasing and investigating terrorists and their networks across our border') as the first pillar of EU counterterrorism. Due to the diplomatic efforts of a number of like-minded countries, including Belgium, the root causes approach prevailed.

These countries have always maintained that international and intra-EU cooperation against jihadi terrorism will only be successful if the circumstances are addressed by which specific individuals are receptive to radicalisation, and why ultimately some of them turn into terrorists. Without acknowledging the dynamics that lead these individuals down this path, so they warned, the EU and its member states will never be able to stay abreast of events, and will constantly be confronted with the situation that for every 'radicalised would-be terrorist' caught, a new one is in the making, the source of potential recruits being seemingly inexhaustible.

At the end of 2006, the EU decided to henceforth forsake the use of the words 'root causes' and now instead prefers other terms, such as 'underlying conditions' or 'conditions conducive to the spread of terrorism', which is the expression that has been endorsed in the UN Counter-Terrorism Strategy. The reason for this shift in wording (the EU still used the words 'root causes' in its own Counter-Terrorism Strategy of 2005), was the experience of the EU in discussions with third countries, especially at the United Nations. Those discussions had indicated that the term was open to misinterpretation. The word 'causes', in particular, was sometimes misused by those who would like to imply that some terrorist acts could be excused or justified, by seeking to establish an automatic causal link between circumstances and, as a direct result of them, terrorism.

Self-radicalisation being extremely fluid, Belgian authorities have shown great reluctance to quantify the jihadi threat in Belgium, at least publicly. As the assassination of the Dutch movie director Theo van Gogh has indicated, it is not necessarily the individuals under surveillance that ultimately will act. The same goes for radical mosques. In the beginning of the 2000s, it was customary to mention that ten percent of the mosques on Belgian soil were 'radical'. Afterwards, it was realised that in some cases this depended very much on one single individual and, even more important, that radicalisation increasingly was taking place outside customary meeting places such as mosques.

Radicalisation is not an easy process to come to grips with. Like many other European countries, Belgium too has developed its own national action plan against radicalisation.

After the Gulf War of 1991 and, especially, the Mellouk and Zaoui operations police and intelligence services had noticed that a process of radicalisation and recruitment was taking place around the Algerian GIA-cells. The anti-terrorism agency of the Belgian Government, the aforementioned GIA (Groupe Interforces Anti-terroriste), was tasked with elaborating the principles for dealing with this. But only after 9/11 did the Minister of the Interior, Antoine Duquesne, charge his services with the elaboration of a comprehensive anti-radicalisation plan. Along this process, it was called by different names, from 'Plan Iraq', over 'Plan Mosque', until it was formerly adopted in 2006 in its final form as 'Plan Radicalism'. The change of name reflects the growing realization that, as mentioned before, religion is not the key to understanding today's radicalisation process.

From what is publicly known, it is clear that the Belgian authorities have gone to great lengths to make clear that not Islam is being targeted, but instead extremist and terrorist acts of whatever origin or justification. The plan concentrates on the surveillance of violent, racist, xenophobic and anti-Semitic messages, conveyed through the Internet, radio, television programmes, imams, cultural centres, propaganda and groups. For every issue one law enforcement service is put in charge, with other agencies assisting.

Furthermore, the Plan also seeks to empower moderates and to enhance an atmosphere of security among *autochtone* and immigrant communities alike. This seems to be working. In Belgium opinion polls indicate a high level of public confidence in the police forces. Moreover as mentioned by Prime Minister Guy Verhofstadt in his October 2005 State of the Union, all indicators show a decreasing sense of insecurity among the population at large.

In its actual form, the Belgian Plan Radicalism still privileges tackling the messenger and the message. However necessary, it might prove to be insufficient. De-radicalisation will not be achieved as long as the circumstances are not addressed by which specific individuals turn into terrorists, both in Europe and elsewhere.

Within the police forces, one is clearly aware of the need to go further, judging from the questions raised by Glenn Audenaert, the leading counterterrorism officer of the federal police: 'We need to find an answer to the following questions: can we identify the root causes of the radicalisation process; can we subsequently understand its dynamics; can we understand and/or explain the evolution from radicalisation to actual jihadi terrorism; and, finally, can we locate radicalisation and/or terrorism and subsequently anticipate it?' He realises that the primary source of knowledge undoubtedly resides in the Muslim communities themselves, as well as in academia. He has therefore proposed a long-term co-operation between Muslim communities, academics and law enforcement, the objective being to transcend scepticism and mistrust among the three prospective partners and to create a 'win-win' situation for all the actors involved in the process. If some form of understanding can be reached, he has pointed out, initiatives might gradually become reality, insofar as they have the final objective of identifying and subsequently eradicating the domestic root causes that are common to all terrorist groups.²¹

Most of the de-radicalisation strategy will have to take place at the local level, since the root causes of radicalisation and terrorism are mainly local too. So, measures taken can best go from local authorities to national authorities and not vice versa, because each city has its own realities and problems. So the government encourages mayors to take measures facilitating the process of integration. It goes without saying that maintaining open communication channels with for example community-based social or sports organisations or centres might prove to be vital. Consequently, proximity police, educators and social workers play an essential role.²² As explained by Glenn Audenaert: 'Police forces need to focus on their performances and on the sociological environment, in which they evolve. [...] police forces need to integrate their action into the entire security community as well as in the overall dynamic of the society they serve'.²³ That said, local authorities might need to consider enhancing multicultural awareness programmes for police units operating in specific city districts. This includes taking care that local agencies, including police forces, reflect the diversity of society itself – a difficult endeavour in today's polarised environment, to say the least.

²¹ Glenn Audenaert, 'De-radicalisation and the Role of Police Forces', in: Rik Coolsaet (ed.), *Jihadi Terrorism and the Radicalisation Challenge in Europe*. London, Ashgate, 2007.

²² *Vers une politique locale de sécurité intégrale*. Brussels, Interior Ministry, Direction générale Politique de Sécurité et de Prévention, 2007.

²³ See note 20.

Safeguarding Fundamental Rights

A last distinctive feature of the Belgian counterterrorism approach is the systematic reference to fundamental rights. This reluctance of eroding fundamental rights in the name of the fight against terrorism and the concern for accountability are largely shared by all actors involved, officials as well as politicians.²⁴

In 2003 at the UN Commission on Human Rights in Geneva, Minister of Foreign Affairs Louis Michel explained this Belgian concern as follows:

‘In this context, the Commission on Human Rights has a crucial role to play in guaranteeing that the international community's action against terrorism complies with the fundamental principles of human rights. Only by respecting human rights can the fight against terrorism lead to long-lasting results. Fighting terrorism cannot be a pretext for moving away from the fundamental principles of the impartial state, or for preventing the normal democratic operation of the rule of law. The end does not justify all means.

Fighting the deep-rooted causes of terrorism definitely helps reinforce human rights. We cannot avoid the political and economic breeding ground that fosters terrorism.’

The law enforcement apparatus is clearly in line with this governmental position. ‘History indeed teaches us that a democracy in danger needs more democracy, certainly not less,’ according to Glenn Audenaert.²⁵ This apprehension is at the core of the Belgian refusal to consider ethnic profiling as a means of identifying potential terrorists. It has undoubtedly also played a role in shaping the official Belgian position on issues such as the CIA-flights and secret detention centres, or when it became known that the Brussels-based banking consortium Swift, the nerve center of the global banking industry, had provided financial records at the request of the CIA and the FBI, without seeking individual court-approved warrants or subpoenas, and without informing the Belgian government.

Paul Rietjens, the former ‘focal point’ for terrorism issues at the Permanent Representation of Belgium to the European Union, has stressed that this point was also a permanent Belgian emphasis during the elaboration of the EU Counter-Terrorism Strategy.²⁶

The same concern is also present in the issue of terrorism financing. In Belgium, it must be demonstrated in each case that the group giving financial support actually constitutes a terrorist group, before being able to freeze their assets. In the past, FATF members have therefore criticised Belgium for what they consider sub-optimal performance, under the agreed FATF standards on asset freezing.

As part of the mechanisms for safeguarding fundamental rights, judges play a central role in all state actions related to terrorism. However, the tension between fundamental rights and counterterrorism remains a delicate balancing act. As mentioned earlier, the Belgian Constitutional Court (Court of Arbitration) partly annulled the 2003 governmental act on special investigation methods on 21 December 2004. In its ruling the Court stressed the need for an independent and impartial judicial officer – the examining magistrate rather than the public prosecutor – to supervise the use of these methods, which are considered serious infringements on privacy. A new bill on special investigation methods was tabled by the government in the House of Representatives on 28 October 2005 (and adopted in December) in order not only to draw conclusions from that judgment, but also to improve the investigation methods used in the fight against terrorism and serious and

²⁴ See also Koen Dassen, note 14.

²⁵ Glenn Audenaert, in: *De Morgen*, 29 March 2005.

²⁶ See note 19.

organized crime.²⁷ In July 2007, the Constitutional Court annulled additional, but rather minor aspects of this Act, in particular about its application to fugitives and the status of informers.

Nevertheless, due to this extreme caution shown by the Belgian authorities not to encroach upon fundamental rights, there have been relatively lesser tensions between lawyers and human rights activists, on the one hand, and the Belgian law enforcement apparatus and the government, on the other hand, compared to neighbouring European countries.

Conclusions

Building on the expertise gained from dealing with the early Islamist terrorists in the 1980s and the Algerian GIA in the 1990s, Belgium has succeeded in dismantling eight major networks and convicting more than 60 suspected terrorists. One of the reasons explaining this success is the close cooperation that has been established between the intelligence community and the police. In Belgium too, counterterrorism has become much more efficient. Moreover, the Belgian counterterrorism community is particularly aware of the danger of panic reactions, as they could be witnessed in some European countries. Early experiences with radical Islamism and jihadi terrorism have indeed permitted to build up the indispensable expertise and awareness of this challenge, so as to avoid these hitches when jihadi terrorism gained traction in the 1990s.

Jihadi activism and terrorism in Belgium is no island, entire of itself. It reflects the same Europe-wide evolution of radical Islamism and jihadi terrorism. Immigrant communities with an Arab-Muslim background have acted as a sounding board for all the frustrations that run across the Arabo-Muslim and the Muslim world. And as in other parts of the world, radicalisation in Europe is primarily grounded in local root causes.

Even if one lacks precise instruments to quantify the degree of radicalisation, authorities and social workers alike have noticed an increasing tendency to radicalise. This in itself should not be viewed with excessive alarm. Being radical is not illegal. Moreover, the Belgian counterterrorism community is evidently aware that radicalism can take a wide variety of forms and appearances – and that it certainly is not limited to Arab-Muslim communities alone. It can be expressed through a political, religious or social discourse. It can be non-violent or violent. When violent, the Belgian counterterrorism community knows, it is always the action of a few within the larger group or community whose fate is at stake and whose plight they invoke to try to justify their acts. Radical groups still remain a marginal minority within the Muslim communities. They form fringe groups that act as self-declared vanguard groups. In all past processes of radicalisation throughout history the number of individuals who chose violence as their privileged method has been extremely small. Radicalisation leading to violence, and especially its systematic form, namely terrorism, is indeed only the far end of a wide array of possible radical attitudes and expressions. It cannot be overcome but with the cooperation of the communities that are most affected by it.

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27 Report on the situation of fundamental rights in the European Union and its member states in 2005. Brussels, E.U. Network of Independent Experts on Fundamental Rights, 2005, p. 77